

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APCC Services, Inc.,
Data Net Systems, LLC
Davel Communications, Inc.
Jaroth, Inc. dba Pacific Telemanagement
Services, and
Intera Communications Corp.,
Complainants,
v.
Verizon Communications, Inc.
Defendant.

File No. EB-02-MDIC-0065

ORDER

Adopted: December 2, 2003

Released: December 4, 2003

By the Deputy Division Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On June 28, 2002, APCC Services, Inc., et al. ("APCC" or "Complainants") filed an informal complaint ("Complaint") alleging that Verizon Communications, Inc., ("Verizon") is responsible for paying dial around compensation for certain types of completed calls carried by its network that originated from APCC's payphones. Pursuant to section 1.718 of the Commission's rules, the Complainants are required to convert their informal complaint into a formal complaint within six months of the date that the Defendant replies to the informal complaint, or such informal complaint will be deemed to be abandoned. In this case, the Complainants are required to convert their informal complaint into a formal complaint by December 5, 2003.

2. Since the filing of the Complaint on June 28, 2002, the parties have engaged in

1 47 C.F.R. § 1.718.

2 Letter from Allan C. Hubbard, Attorney for Complainants, and Cecelia Roudiez, Attorney for Verizon, to Jonathan Reel, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MDIC-0065 (November 26, 2003) ("Joint Waiver Request"). Verizon replied to the Complaint on September 26, 2002, and Bureau staff have granted the parties' previous joint requests for extensions of time, most recently to December 5, 2003. Id. n.2.

negotiations to resolve the disputes about dial around compensation issues.³ On November 26, 2003, the parties filed jointly a Request for Extension of Time to File Complainants' Formal Complaint in this matter.⁴ The parties seek a waiver of section 1.718 of the Commission's rules, and, in particular, request an extension of the deadline for filing a formal complaint from December 5, 2003 to January 16, 2004.⁵ The Joint Waiver Request explains that the parties are attempting to resolve this dispute without further litigation, and that an extension is necessary to continue negotiations and work toward settling this matter.⁶ The parties have agreed to arrange for and participate in a conference call to update staff on the status of the settlement agreement.⁷

3. We are satisfied that granting the parties' Joint Waiver Request will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Request for Extension of Time to File Complainants' Formal Complaint IS GRANTED.

5. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, are hereby waived, and the date that APCC Services, Inc., et al. must convert their informal complaint against Verizon Communications, Inc., to a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to January 16, 2004.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar
Deputy Chief, Market Disputes Resolution Division

³ *Id.* at 2.

⁴ *Id.* at 1.

⁵ *Id.*

⁶ *Id.* at 2.

⁷ *Id.*

Enforcement Bureau